

Members

Sen. Brent Steele, Chairperson
Sen. Brent Waltz
Sen. James Arnold
Sen. Jean Breaux
Rep. Vanessa Summers
Rep. John Day
Rep. Cleo Duncan
Rep. Phyllis Pond
Judge Marianne L. Vorhees
Greg DeVries
Robert Bishop
Bruce Pennamped



CHILD CUSTODY AND SUPPORT ADVISORY COMMITTEE

LSA Staff:

Eliza Houston, Attorney for the Committee
Mark Goodpaster, Fiscal Analyst for the
Committee

Authority: IC 33-2.1-10-1

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

MEETING MINUTES¹

Meeting Date: October 24, 2007
Meeting Time: 1:30 P.M.
Meeting Place: State House, 200 W. Washington
St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. Brent Steele, Chairperson; Sen. Brent Waltz; Rep. Vanessa Summers; Rep. Phyllis Pond; Judge Marianne L. Vorhees; Greg DeVries; Robert Bishop.

Members Absent: Sen. James Arnold; Sen. Jean Breaux; Rep. John Day; Rep. Cleo Duncan; Bruce Pennamped.

Senator Steele, Chairperson, called the second meeting of the Indiana Child Custody and Support Advisory Committee ("Committee") to order at 1:35 PM. Senator Steele stated that the family and juvenile law section of the state bar association had requested waiting one year on legislation concerning parenting coordinators so that more discussion could take place.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Recommendations for Supplementing Indiana's Child Support Program

Mr. James Payne, Director of the Department of Child Services ("Department"), indicated that the Department had brought recommendations to the Committee concerning supplementing Indiana's child support program. He stated that children and custodial parents deserve a better child support system than the system Indiana has now.

Ms. Wendy Yerkes, Deputy Director, Child Support Bureau, Department of Child Services, provided the Committee with handouts² concerning the Department's proposal for supplementing Indiana's child support program with quasi-judicial processes and fiscal considerations concerning the proposal. Ms. Yerkes indicated that the prosecuting attorneys, clerks, and Child Support Bureau work in partnership. She stated that she is not proposing changing the child support system, but instead proposing to streamline and speed up the process with a more quasi-judicial process. She discussed the Department's recommendations for new legislation as set forth in the handouts. Senator Steele noted that in Title IV-D cases child support orders are issued but parenting time orders are not and asked whether parenting time could also be determined in Title IV-D cases. Ms. Yerkes responded that the Child Support Bureau does not currently have the legislative authority to determine custody issues. However, she noted that with legislative changes parenting time could possibly be determined in Title IV-D cases.

Ms. Yerkes stated that the Department recommends that administrative law judges hold hearings and make determinations on Title IV-D cases instead of courts and that a case could then be appealed to a court for review. She noted that critical due process elements must be included in all administrative processes. She discussed the fiscal information provided in her handouts concerning: (1) the additional expenses in adding caseworkers and administrative law judges; and (2) the additional dollar amount that would be collected if counties achieved the statewide average.

The Committee members discussed paternity affidavits and the length of time a father should have to challenge a paternity affidavit. Representative Summers stated that the Title IV-D system seemed a little unfair for noncustodial parents and asked if the recommendations by the Department would result in the process being more equitable for noncustodial parents. Ms. Yerkes stated that there is discussion among individuals working in the child support area about whether the system should try to mediate child support issues rather than criminalizing the failure to pay child support. She indicated that caseworkers would need more training to move towards an intermediary role.

Judge Marianne Vorhees, Committee member, asked whether under the Department's recommendations contempt penalties would be determined by an administrative law judge or a court. Ms. Yerkes said she was not sure but that she believed that other states leave contempt penalties to a court. In response to questions concerning implementation of the recommended changes, Ms. Yerkes indicated the Department would plan to implement the changes by January 2009.

Committee members expressed support for the Department's recommended changes and for leaving contempt penalties with the court. The Committee members also discussed concerns regarding paternity affidavits and whether a man should be required to support a child that is not his. However, Committee members also noted that it may be in the best interests of the child to require a man who has accepted the child as his child for a length of time to continue to support the child. The Committee also discussed whether

² Exhibit 1

men were being informed at the hospital about the obligations and responsibilities that they would assume by signing a paternity affidavit.

Senator Steele cancelled the Committee meeting for October 30, 2007. Senator Steele stated that the meeting would be rescheduled for November so that the Department and legislative staff would have time to work on a bill draft that the Committee members could review before the next meeting. Representative Pond stated that she would also like to bring her bill concerning joint legal custody to the Committee at the next meeting.

Senator Steele adjourned the meeting at 2:35 PM.